THE HON'BLE SMT.JUSTICE T.MEENA KUMARI

AND

THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

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WRIT APPEALNo.1444 OF 2005

Dt: 11.08.2005

Between:

V.Srinivasa Rao

C/o.Mr.P.Someswara Rao

D.No.50-38-1, TPT Colony, Sitammadhara

Visakhapatnam … APPELLANT

AND

Hindustan Shipyard

Rep.by its Chairman & Managing Director

Real Admiral R.M.Bhatia,

Visakhapatnam and others … RESPONDENTS

THE HON'BLE SMT.JUSTICE T.MEENA KUMARI

AND

THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

–

WRIT APPEAL No.1444 OF 2005

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JUDGMENT: (per the Hon'ble Smt.Justice T.Meena Kumari)

This Writ Appeal is filed by the appellant-workman aggrieved by the Order, dated 07.06.2005, in Writ Petition No.8943 of 1998 passed by a learned single Judge of this Court.

The said Writ Petition was filed by the first respondent-Management challenging the Award dated 07.01.1998 made in I.D.No.116 of 1994 on the file of the Industrial Tribunal-cum-Labour Court, Visakhapatnam.

The brief facts of the case are as follows:

The appellant-workman was a casual labourer entrusted with various duties as per the requirement of the Management. While so, on 21.01.1993, when he refused to attend to the works assigned to him, a charge sheet was issued and an enquiry was conducted. After complying with the formalities, the disciplinary authority passed orders dated 23.08.1993 removing him from service. Aggrieved by the same, he raised an Industrial Dispute before the Labour Court, Visakhapatnam and the Labour Court through its Award dated 07.01.1998 directed the Management to reinstate the workman into service with 50% back wages and continuity of service by paying Rs.500/- as costs. Challenging the same, the above said Writ Petition was filed by the first respondent-Management.

The learned single Judge after going into the merits of the case, modified the Award of the Labour Court and directed the Management to reinstate the workman with continuity of service and other attendant benefits, but without any back wages. Aggrieved by the same, the present Writ Appeal has been preferred by the appellant-workman.

Learned counsel appearing on behalf of the appellant-workman has contended that the learned single Judge only on surmise that there is some misconduct on the part of the workman has set aside the Award of the Labour Court to the extent of granting of 50% back wages without giving any reasons.

On the other hand, learned counsel for the respondent-Management has supported the Order of the learned single Judge stating that while reinstating the workman, the Labour Court erred in granting 50% of back wages.

Heard both the counsel.

In view of the fact that the learned single Judge has set aside the Award of the Labour Court to the extent of granting of 50% back wages without assigning any reasons, we deem it appropriate to modify the Order of the learned single Judge by directing the first respondent-Management to reinstate the appellant-workman with continuity of service and with 25% back wages.

The Writ Appeal is accordingly allowed. No order as to costs.

(T.MEENA KUMARI, J)

(P.LAKSHMANA REDDY, J)

Dt: 11.08.2005

bsv/lvl